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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,509	12/05/2001	Nelson Douglas Pitlor	PITLP101USA	2338

7590 04/29/2005

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/007,509

Applicant(s)

PITLOR NELSON

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-21, 27, 68-76 and 85-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 11-15, 19-21, 27, 68, 70-76 and 85-88 is/are rejected.
- 7) ☒ Claim(s) 7-10, 16-18 and 69 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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This is the fourth office action for serial number 09/007,509, Remotely Attachable and Separable Coupling filed on December 5, 2001. The amendment filed November 4, 2005 has been entered and considered below.

### ***Withdrawal of Finality***

Upon review of the art of record and upon discovery of additional art, the previous allowance of claims has been withdrawn and the following action taken. Any inconvenience is regretted.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 70-76 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,181,251 B1 to Kelly. The present invention reads on Kelly as follows: Kelly teaches a mounting system comprising a base (33), a mounting member (30B) and a multi-retention mechanism (35, 36). The base (33) is attachable to a support (37). The mounting member (30B) is selectively attachable to the base and removable from the base. The multi-retention

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mechanism holds the base and the mounting member together. The multi-retention mechanism includes at least one mechanical attachment (35, 36) and a second attachment (35, 36). The mechanical attachment selectively operates to release and hold and operated using a positive lock. The second attachment (35, 36) is selectively operable to release, hold and operates responsive to a positional relationship, wherein a device (30A) is attached to the mounting member. The device is a smoke detector and is externally powered by battery. The device is a light fixture (64) that is battery powered externally. See figures 3.

Claims 6, 11-15, 19-21, 27, 68 and 85-88 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,074,341 to Niederost. The present invention reads on Niederost as follows: Niedorost teaches a fixture mounting structure comprising a base (A'), a cover (B'), a magnetic device (12, 15) and a mechanical retainer (1, 2). The base is mountable securely to a support. The cover is attachable to the base. The magnetic device holds the cover and base together. The selectively operable mechanical retainer is to provide retention of the cover to the base, wherein the selectively operable mechanical retainer is cooperatively related to the base and the cover to hold together the base and cover in an event that the magnetic device is intentionally or unintentionally releases. The selectively operable mechanical retainer comprises a clip or latch (1, 2) and a retention member or receiving slot or holder (1, 2). The clip is mounted to the cover and the retention member is mounted to the base. The clip is housed within a clip holder. The clip is retractable within the clip holder by the application of a retracting tool (C). The electrical connection provides for a signal coupling between the cover and the base (col. 3, lines 6+). An elongated member is a pole to apply force to uncouple the magnetic device.

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Regarding claim 68, Niedorost teaches a fixture mounting structure comprising a base (A'), a mounting member (B'), a multi-retention mechanism including at least one mechanical attachment (1, 2) and a second attachment (12, 15). The base is attachable to a support. The mounting member is selectively attachable to the base and removable from the base. The multi-retention mechanism holds the base and the mounting member together. The multi-retention mechanism includes at least one mechanical attachment (1, 2) and a second attachment (12, 15). The at least one mechanical attachment is selectively operable to release and hold and operates using a positive lock. The second attachment is selectively operable to release and hold and operates responsive to a positional relationship, wherein the second attachment includes a magnet and magnetically responsive plate.

Regarding claims 85-88, the method is inherent to the structural limitation set forth in the claims.

#### *Allowable Subject Matter*

Claims 7-10, 16-18, and 69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

Applicant's arguments with respect to claims 6, 11-15, 19-21, 27, 68, 70-76 and 85-88 have been considered but are moot in view of the new ground(s) of rejection.

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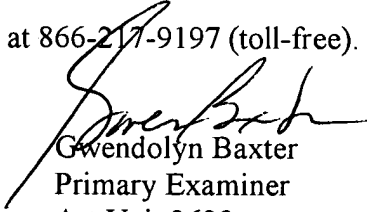
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wantz 6,591,716 B2 and McGreal 6,859,146 B2 teach a tool used in conjunction with a mounting system and Malewski 6,433,700 teaches a battery operated smoke detector device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am -4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 571-272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

April 26, 2005